

**BEFORE THE MINNESOTA
BOARD OF MARRIAGE AND FAMILY THERAPY**

In the Matter of
Kathy Huseby, LMFT
License No. 1323

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Kathy Huseby, LMFT (Licensee), and the Minnesota Board of Marriage and Family Therapy (Board) as follows:

1. During all times herein, Licensee has been and now is subject to the jurisdiction of the Board from which she holds a license to practice marriage and family therapy in the State of Minnesota.

FACTS

2. For the purpose of this stipulation, the Board may consider the following facts as true:

a. On January 25, 2001, client #1 began receiving treatment from Licensee for anxiety relative to job stress and marital relationship problems.

b. During Licensee's interview with an investigator from the Office of the Attorney General, she reported that by the end of February 2001 her professional relationship with client #1 became a friendship and Licensee and client #1 began having a soulful relationship, which created a dual relationship.

c. Licensee and client #1 began spending time together outside the context of counseling sessions. For example, Licensee and client #1 went on a walk together, and Licensee began visiting client #1 at his residence.

d. During Licensee's interview with the investigator from the Office of the Attorney General, Licensee admitted she and client #1 engaged in sexual contact, including hugging, kissing, and sexual fondling, and exchanged greeting cards in which Licensee wrote personal and intimate notes. Licensee denied that she and client #1 engaged in sexual intercourse.

e. Client #1 reported that he continued his professional relationship with Licensee until October 25, 2001. However, Licensee reported that she ended her professional relationship with client #1 on April 27, 2001, and that her meetings with client #1 after that date were as "friends." However, these meetings were held in Licensee's office and were scheduled typically at the conclusion of the meetings.

REGULATIONS

3. The Board views Licensee's practices as described in paragraph 2 above to be in violation of statutes and rules enforced by the Board. Licensee agrees that the conduct cited above constitutes a violation of Minn. Stat. § 148B.37, subd. 1(3) (violation of one or more rules of the Board) (2004), and Minn. R. 5300.0350, subp. 5.B. (dual relationship with a client) and subp. 5.E. (sexual contact with a client), and constitutes a reasonable basis in law and fact to justify the disciplinary action provided for in the order.

REMEDY

4. Upon this stipulation and without any further notice or proceedings, the Board places Licensee's license in a **CONDITIONAL** status. Licensee's retention of her license is conditional upon complying with and/or submitting or causing to be submitted at least the following:

a. ***Supervision of Licensee by Board-Approved Marriage and Family***

Therapist. Licensee shall practice marriage and family therapy only under the supervision of a supervising marriage and family therapist approved in advance by the Complaint Panel (Panel) from a list of at least three names Licensee has submitted to the Panel. Licensee shall cause each therapist listed to submit a current vitae to the Board for the Panel's review prior to its approval of a supervisor. The Panel reserves the right to reject all names submitted by Licensee. If the Panel rejects any names submitted, the Panel may require that Licensee submit additional names as described above, or the Panel may provide Licensee with the name of a supervisor. Licensee shall have no previous personal or professional relationship with the supervisor. Licensee shall obtain a supervising therapist within one month of the date this Stipulation and Consent Order is adopted by the Board and shall meet with the supervising therapist no less than one hour every two weeks for a period of 12 months. After Licensee has completed three months of supervision, and with the supervisor's consent, Licensee may petition the Panel to change the frequency of the supervision meetings to once a month for at least two hours. The purpose of the meetings is to review Licensee's practice of marriage and family therapy with emphases on ethical issues and avoiding dual relationships. Licensee is responsible for all costs associated with obtaining this supervision.

b. ***Supervisor's Reports.*** The supervising therapist shall provide a report to the Panel every three months and at the time Licensee petitions to have the conditions removed from her license. The first report is due three months from the date supervision begins, and all subsequent reports shall be submitted on the first day of the month in which they are due. Each report shall provide and/or address:

1) In the first report, evidence Licensee's supervisor has received and reviewed a copy of this Stipulation and Consent Order;

2) Dates on which supervision took place with Licensee;

3) The method by which supervision was conducted;

4) A statement that all cases have been reviewed, a description of any problems discovered in the review, and the resolution of the problems;

5) The supervisor's opinion as to Licensee's ability to provide competent services;

6) Any other information the supervisor believes would assist the Board in its ultimate review of this matter; and

7) At the time Licensee petitions for removal of the above-referenced conditions, the supervisor's report shall include an assessment of Licensee's ability to conduct herself in a fit, competent, and ethical manner in the practice of marriage and family therapy as well as whether Licensee exhibits an acceptable comprehension and knowledge of ethical issues encountered in practice as well as the ability to apply this knowledge.

c. ***Licensee's Own Reports.*** Licensee shall submit a report to the Panel every three months and at the time Licensee petitions to have the conditions removed from her license. The first report is due three months from the date supervision begins, and all subsequent reports shall be submitted by the first day of the month in which they are due. Each report shall provide and/or address:

1) A brief statement of the topics discussed at each supervision session;

2) What Licensee has learned from the supervision sessions, including her own statement as to her comprehension and knowledge of ethical issues encountered in practice;

3) At the time Licensee petitions for removal of the conditions on her license, Licensee's reasons for believing she is capable of conducting herself in a fit, competent, and ethical manner in the practice of marriage and family therapy; and

4) Any other information Licensee believes would assist the Board in its ultimate review of this matter.

d. ***Boundaries and Ethics Course.*** Within 30 days of the date this Stipulation and Consent Order is adopted by the Board, Licensee shall arrange to enroll in an individualized professional boundaries and ethics training course to be taught by John Seymour, Ph.D., LMFT. Licensee shall complete the course within twelve (12) months of the date this Stipulation and Consent Order is adopted by the Board. All fees for the course shall be paid by Licensee. Successful completion of the boundaries course shall be determined by the Panel. Licensee is responsible for all costs associated with taking this course.

e. ***Report on Boundaries and Ethics Course From Licensee.*** Within 30 days of completing the professional boundaries and ethics course referenced above, Licensee shall submit a report to the Panel which provides and addresses:

1) The dates Licensee began and completed the training course;

2) A brief statement of the topics covered in the training course;

3) A detailed discussion of what Licensee has learned from the training course, including Licensee's comprehension and knowledge of boundary issues, as well

as various ethical issues encountered in practice, and how this course will affect her practice in the future;

4) A detailed discussion of each boundary and ethical violation that occurred regarding the circumstances described in the Facts section of this Stipulation and Consent Order, including (a) how Licensee came to violate these boundaries and ethics; (b) the manner in which Licensee violated these boundaries and ethics; (c) the specific harm to specific individuals that resulted or could have resulted from the boundary and ethical violations; and (d) how Licensee now believes the boundary and ethical violations could have been averted;

5) A detailed discussion of the specific ways this course will affect Licensee's practice in the future;

6) Licensee's reasons for believing she is capable of conducting herself in a fit, competent, and ethical manner in the practice of marriage and family therapy; and

7) Any other information Licensee believes would assist the Board in its ultimate review of this matter.

f. ***Report on Boundaries and Ethics Course From Instructor.*** Within 60 days of completing the course referenced above, Licensee shall cause to be submitted to the Panel a report from the instructor of the course. This report shall address:

1) The extent of Licensee's participation in the course; and
2) The instructor's assessment of Licensee's knowledge obtained from the course and opinion as to Licensee's recognition of boundary issues and Licensee's ethical fitness to engage in the practice of marriage and family therapy.

g. ***Fine for Violation of Order.*** If any due date required by this Stipulation and Consent Order is not met, the Committee may fine Licensee \$100 per violation. Licensee

shall pay the fine and correct the violation within five days after service on Licensee of a demand for payment and correction. If Licensee fails to do so, the Committee may impose additional fines not to exceed \$500 per violation. The total of all fines may not exceed \$5,000. Licensee waives the right to seek review of the imposition of these fines under the Administrative Procedure Act, by *writ of certiorari* under Minn. Stat. § 480A.06, by application to the Board, or otherwise. Neither the imposition of fines nor correction of the violation will deprive the Board of the right to impose additional discipline based on the violation.

h. **Costs.** Licensee is responsible for all costs incurred as a result of compliance with this Stipulation and Consent Order.

i. **Applicability to Renewal Requirements.** No condition imposed as a remedy by this Stipulation and Consent Order, including conditions directly related to a restriction, shall be used as a continuing education activity for the purpose of renewal of Licensee's license to practice marriage and family therapy, unless it is specifically stated in this Stipulation and Consent Order that the condition may be used for this purpose.

5. All reports shall cover the entire reporting period and provide the bases upon which conclusions were drawn.

6. The Board or its authorized representatives shall have the right to discuss Licensee's condition with and obtain records from any person with whom Licensee has contact as a result of her compliance with this Stipulation and Consent Order or as a result of her being examined or her obtaining treatment, counseling, or other assistance on her own initiative or otherwise. Licensee shall execute releases and provide any health record or other waivers necessary for submission of the reports referenced in the stipulation to enable the Board to obtain

the information it desires and to authorize the testimony of those contacted by the Board in any proceeding related to this matter.

7. **Releases.** Licensee shall execute releases allowing her supervisor, Boundaries and Ethics course instructor, and any other professional whom Licensee contacts in order to comply with this Order to exchange information with the Board.

8. Upon completion of all terms, provisions, and conditions of this Stipulation and Consent Order, Licensee may petition the Board to remove the conditions on her license. The Board may, at any regularly scheduled meeting at which Licensee has made a timely petition, take any of the following actions:

- a. Remove the conditions attached to the license of Licensee;
- b. Amend the conditions attached to the license of Licensee;
- c. Continue the conditions attached to the license of Licensee upon her failure to meet her burden of proof; or
- d. Impose additional conditions on the license of Licensee.

9. In the event Licensee resides or practices outside the State of Minnesota, Licensee shall promptly notify the Board in writing of the location of her residence and all work sites. Practice outside of Minnesota will not be credited toward any period of Licensee's suspended, limited, conditioned or restricted license in Minnesota unless Licensee demonstrates to the satisfaction of the Board that the practice in another jurisdiction conforms completely with Licensee's Minnesota licensure requirements to practice marriage and family therapy.

10. If Licensee shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Panel shall schedule a hearing before the Board. The Panel shall mail Licensee a notice of the violation alleged by the Panel and of the time and place

of the hearing. Licensee shall submit a response to the allegations at least three days prior to the hearing. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Panel and Licensee may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Licensee waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Licensee's practice, or suspension or revocation of Licensee's license.

11. This stipulation shall not in any way limit or affect the authority of the Board to initiate contested case proceedings against Licensee on the basis of any act, conduct, or omission of Licensee justifying disciplinary action occurring before or after the date of this Stipulation and Consent Order which is not related to the facts, circumstances or requirements referenced herein.

12. In the event the Board at its discretion does not approve this settlement or a lesser remedy than indicated in this settlement, then, and in that event, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party to this stipulation, except that Licensee agrees that should the Board reject this stipulation and this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating to this matter.

13. Any appropriate court may, upon application of the Board, enter its decree enforcing the order of the Board.

14. Licensee has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Licensee was represented by Renee C. Rubish.

15. Licensee waives all formal hearings on this matter and all other procedures before the Board to which Licensee may be entitled under the Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

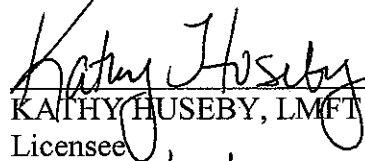
16. Licensee hereby knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, the State of Minnesota and their agents, employees and representatives which may otherwise be available to Licensee under the Americans With Disabilities Act or the Minnesota Human Rights Act relative to the action taken or authorized against Licensee's license to practice marriage and family therapy under this stipulation.

17. Licensee hereby acknowledges that she has read, understands, and agrees to this stipulation and has freely and voluntarily signed the stipulation without threat or promise by the Board or any of its members, employees, or agents. When signing the stipulation, Licensee acknowledges she is fully aware the stipulation is not binding unless and until it is approved by the Board. The Board may either approve the Stipulation and Consent Order as proposed, approve the Stipulation and Consent Order subject to specified change, or reject it. If the changes are acceptable to Licensee, the stipulation will then take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the stipulation, it will be of no effect except as specified herein.

18. This Stipulation and Consent Order constitutes a disciplinary action against Licensee.

19. This Stipulation and Consent Order is a public document and will be sent to all appropriate data banks.

20. This stipulation contains the entire agreement between the parties there being no other agreement of any kind, verbal or otherwise, which varies this stipulation.


KATHY HUSEBY, LMFT
Licensee

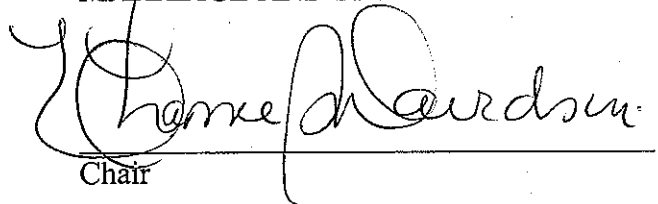
Dated: 1/13/05

ORDER

Upon consideration of this stipulation and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that the terms of this stipulation are adopted and implemented by the Board this 21st day of January, 2005.

MINNESOTA BOARD OF
MARRIAGE AND FAMILY THERAPY


Chair

AG: #1325991-v1